IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

Nos. 97-826, 97-829, 97-830, 97-831, 97-1075, 97-1087, 97-1099, and 97-1141

97-831

AT&T CORP., ET AL., PETITIONERS

v.

IOWA UTILITIES BOARD, ET AL., RESPONDENTS

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

AND RELATED CASES

RECEIVED
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SUPREME COURT, U.S.

COMMENTS OF THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES ON MOTION OF THE LOCAL EXCHANGE CARRIERS REGARDING ORAL ARGUMENT

Pursuant to Rules 21 and 28 of the Rules of this Court, the Association for Local Telecommunications Services (ALTS) hereby submits its comments on the motion of the local exchange carriers ("LEC Movants") regarding oral argument and states as follows:

ALTS is the petitioner in Case No.97-830. ALTS concurs with the LEC Movants that the number of issues, the complexity of the FCC regulations before the Court in these cases, and the range of interests of the parties warrants an additional one hour of oral argument time beyond the hour already allotted. Accordingly, ALTS supports that portion of the LEC Movants' motion requesting an additional hour or oral argument time.

ALTS does not support the other aspects of the LEC Movants' motion and it respectfully urges the Court not to act on those aspects of the motion at this time. Specifically, ALTS requests that the Court defer consideration of LEC Movants' proposals to restructure the oral argument and to permit the LEC Movants and the State petitioners both to argue the jurisdictional issues.

Those aspects of the motion are premature for several reasons. First, on March 13, 1998, two additional petitions for certiorari were filed with the Court asking the Court to review a related order issued by the U.S. Court of Appeals for the Eighth Circuit. One petition was filed by the FCC and the United States of America (Federal Communications Commission and the United States of America v. Iowa Utilities Board, *et al* Case No. 97-1519); the other petition was filed by a group of private petitioners (AT&T Corp. *et al* v. Iowa Utilities Board, Case No. 97-1520). At this time, it is not known whether the Court will grant either or both of those petitions for certiorari, nor is it known whether those cases will be consolidated with this case. Until those decisions are made, it cannot be determined whether additional issues will be before the Court, nor can it be determined whether such consolidation would necessitate increasing oral argument time.

Second, not all parties to the pending case have formulated their positions on each issue before the Court. ALTS, for example, does not expect to finalize its position on certain issues until it has reviewed the initial briefs of petitioners.

Under the current briefing schedule established by the Court, there will be ample opportunity for LEC Movants and other parties to bring their concerns to the Court regarding the structure for oral argument well in advance of oral argument.

For the foregoing reasons, ALTS supports the LEC Movants' request that the Court order one additional hour for oral argument, but asks that the Court defer decision on the other aspects of the motion until completion of the briefing in this case.

Respectfully submitted,

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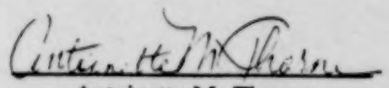
CERTIFICATE OF SERVICE

I, Antoinette M. Thorne herby certify that on this 20th day of March, 1998 copies of the foregoing *Comments of the Association for Local Telecommunications Services on Motion of the Local Exchange Carriers Regarding Oral Argument* were served to the parties listed on the attached service list via regular mail.



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